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MISSOULA, MT  
2007 JUN 12 PM 3 45  
PATRICK E. DUFFY  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

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UNITED STATES OF AMERICA,

CAUSE NO. CR 07-35-M-DWM

Plaintiff,

vs.

FINDINGS AND RECOMMENDATION  
CONCERNING PLEA

GERMAN GARCIA-MENDOZA,

Defendant.

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The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of illegal re-entry of a deported alien, in violation of 8 U.S.C. § 1326(a), as set forth in the indictment. After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights, by pleading guilty, and,

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

Therefore, I recommend that the Defendant be adjudged guilty and that sentence be imposed.<sup>1</sup>

DATED this 12th day of June, 2007.

  
\_\_\_\_\_  
Jeremiah C. Lynch  
United States Magistrate Judge

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<sup>1</sup> Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).